

REMARKS

Claims 1, 4-5, 7-12, and 17-18 are rejected under 35 U.S.C. Section 103(a) as being unpatentable over Borud et al. for the reasons of record.

Claim 6 is rejected under 35 U.S.C. Section 103(a) as being unpatentable over Borud et al. as applied to claims 1, 4-5, and 7-12 above and further in view of Pearce et al. or Bryant et al. for the reasons of record.

Claims 13-16 are rejected under 35 U.S.C. Section 103(a) as being unpatentable over Borud et al. as applied to claims 1, 4-5, and 7-12 above and further in view of Ryan et al. for the reasons of record.

The examiner states: "It is noted that the claims simply state purification of a proteinase inhibitor. There are several known proteinase inhibitors in potatoes and adjustment of parameters such as pH and salt concentration in order to extract these inhibitors would have been well within the scientific purview of the ordinary artisan at the time the invention was made." Accordingly, to address the stated concerns of the Examiner, the claims have been amended to specifically recite that the proteinase inhibitor being isolated and purified is potato proteinase inhibitor II. The amendments are believed to put the claims in allowable form or, alternatively, in better form for appeal and therefore should be entered after final rejection.

The application has been amended to correct minor informalities, to further distinguish the application over the prior art, and to more particularly point out and distinctly claim the subject matter that Applicant regards as the invention so as to place the application, as a whole, into a prima facie condition for allowance. Great care has been taken to avoid the introduction of new subject matter into the application as a result of the foregoing modifications.

Accordingly, the purpose of the claimed invention is not taught nor suggested by the cited references, nor is there any suggestion or teaching which would lead one skilled in the relevant art to combine the references in a manner which would meet the purpose of the claimed invention. Because the cited references, whether considered alone, or in combination with one another, do not teach nor suggest the purpose of the claimed invention, Applicant respectfully submits that the claimed invention, as amended, patentably distinguishes over the prior art, including the art cited merely of record.

Based on the foregoing, Applicant respectfully submits that its claims 1-7 and 10-18, as amended, are in condition for allowance at this time, patentably distinguishing over the cited prior art. Accordingly, reconsideration of the application and passage to allowance are respectfully solicited.

The Examiner is respectfully urged to call the undersigned attorney at (515) 288-2500 to discuss the claims in an effort to reach a mutual agreement with respect to claim limitations in the present application which will be effective to define the patentable subject matter if the present claims are not deemed to be adequate for this purpose.

Respectfully submitted,

Date: March 27, 2006



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